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GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PATRICK K. MCGOWAN  
COMMISSIONER

May 22, 2003

Senator Bruce Bryant  
Representative Linda McKee  
Chairs, Joint Standing Committee on Agriculture, Conservation and Forestry  
100 State House Station  
Augusta, ME 04333-0100

SUBJECT: LD 1616 and Department of Conservation rulemaking on liquidation harvesting

Dear Senator Bryant and Representative McKee:

I write to follow up the discussion at yesterday's work session on L.D. 1616 and to affirm the department's interpretation and intentions regarding the legislative direction provided in L.D. 1616.

We interpret our charge narrowly. We do not intend to open up the entire Forest Practices Act rule for review, but rather to deal only with the issue of liquidation harvesting.

In this regard, to substantially eliminate liquidation harvesting as called for in L.D. 1616, we do intend to identify the principles of "long-term forest management" as clearly as possible, and develop rules calling for increased professional involvement in harvests on forest land parcels bought and sold within 5 years. In developing these rules we intend to work collaboratively with stakeholders representing the full range of interests who care about this issue. Further, with the resources and expertise available to us, we will examine the costs and benefits of any proposal we advance from multiple perspectives.

We also have set a goal to develop a rule that is very tightly focused on the behavior we want to change. With the exemptions already proposed in the bill (e.g., certified forest lands, lands under management by a certified professional, and harvests that affect

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small acreages), many acres of currently well-managed forest lands in the state will be unaffected by the proposed rule even before the discussion begins. Our discussions with stakeholders will help us further fine-tune the applicability of the rule.

We recognize the enormous challenges posed by this rulemaking and companion review of complementary solutions. We intend to work through the controversies in a fair, open, honest process and craft solutions that advance the public interest while respecting the legitimate rights of forest landowners.

We also want to make clear that we intend to investigate incentives for long term ownership and management of forest lands as part of our efforts to identify complimentary solutions for liquidation harvesting, and we intend to complete the current study of liquidation harvests that took place in the years 2000 and 2001 before provisionally adopting rules as called for in L.D. 1616.

If you have any questions, please contact me. Thank you for your support of this legislation.

Sincerely,

A handwritten signature in black ink, reading "Patrick K. McGowan". The signature is fluid and cursive, with the first name "Patrick" and last name "McGowan" clearly legible.

Patrick K. McGowan  
Commissioner